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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRY R. POWELL,

Petitioner

CIVIL ACTION NO. 1:CV-00-2180

v.

ROBERT SHANNON, et al.,

(Judge Rambo) FILED  
HARRISBURG, PA

Respondents

AUG 06 2001

ORDER

MARY E. D'ANDREA, CLERK  
Per \_\_\_\_\_  
Deputy Clerk

NOW, THIS ~~6<sup>th</sup>~~ DAY OF AUGUST, 2001, upon consideration of the facts that: (1)

plaintiff, an inmate confined at the State Correctional Institution at Mahanoy in Frackville, Pennsylvania, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254; (2) along with his complaint, plaintiff also filed an application to proceed in forma pauperis which was granted by court order (Doc. 6) dated May 18, 2001 which also ordered respondent to show cause; (4) respondent filed response to habeas corpus petition on June 7, 2001 (Doc. 7); (5) petitioner filed a traverse on June 21, 2001; and (6) upon review of the record, it became apparent to the court that petitioner had filed two petitions for habeas corpus and respondent was served with only one petition<sup>1</sup>, IT IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to open a new case for the second habeas petition;
2. Petitioner's application to proceed in forma pauperis is granted as to the second habeas petition;

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<sup>1</sup>Petitioner is challenging two separate convictions.

3. Once the second petition is assigned a new case number, the Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Adams County.
4. Within 20 (twenty) days of the date of this order, Respondent shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing §2254 Cases in the United States Courts, the answer shall:
  - (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any post-conviction remedies;
  - (b) be accompanied by those portions of any transcripts the Respondent deems relevant to disposing of the claims raised in the petition;
  - (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
  - (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a post-conviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.
5. Respondent shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

6. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondent's filings.
7. A determination whether Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondent's answer and memorandum of law, and, if any, the Petitioner's reply.



Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

UNITED STATES DISTRICT COURT  
 FOR THE  
 MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

August 6, 2001

Re: 1:00-cv-02180 Powell v. Shannon

True and correct copies of the attached were mailed by the clerk to the following:

Terry R. Powell CT-9673  
 Mahanoy State Correctional Inst.  
 301 Morea Rd.  
 Frackville, PA 17931

Andrea F. McKenna, Esq.  
 Office of the Attorney General  
 Strawberry Sq. 16th Floor  
 Harrisburg, PA 17120 Fax No.: 717-787-6346

Adams County District Attorney's Office  
 Courthouse  
 111-117 Baltimore Street  
 Gettysburg, PA 17325

cc:

Judge	(X )	(X )	Pro Se Law Clerk
Magistrate Judge	( )	( )	INS
U.S. Marshal	( )	( )	Jury Clerk
Probation	( )		
U.S. Attorney	( )		
Atty. for Deft.	( )		
Defendant	( )		
Warden	( )		
Bureau of Prisons	( )		
Ct Reporter	( )		
Ctroom Deputy	( )		
Orig-Security	( )		
Federal Public Defender	( )		
Summons Issued	( )	with N/C attached to complt. and served by:	
		U.S. Marshal ( )	Pltf's Attorney ( )
Standard Order 93-5	( )		
Order to Show Cause	( )	with Petition attached & mailed certified mail	
		to: US Atty Gen ( )	PA Atty Gen ( )
		DA of County ( )	Respondents ( )
Bankruptcy Court	( )		
Other	( )		

MARY E. D'ANDREA, Clerk

DATE: August 6th, 2001

BY:

  
Deputy Clerk